

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

IN ADMIRALTY

IN THE MATTER OF:

THE COMPLAINT OF PARADISE FAMILY, LLC, as Owner, and ANOTHER DAY IN PARADISE BOAT CLUB, LLC d/b/a FREEDOM BOAT CLUB OF TAMPA BAY, and LETE CONNELLY as owners, *Pro Hac Vice*, of the M/V JUMPING VIPER, a 20' Sea Fox 200 vessel bearing Hull Identification Number LYGEX130J920 and Florida Registration FL5320SN, and its Engines, Tackle, Appurtenances, Equipment, & Etc., in a cause for Exoneration from or Limitation of Liability,

Case No: 5:20-cv-416-Oc-30PRL

Petitioners,

**ORDER APPROVING AD INTERIM STIPULATION,
MONITION AND INJUNCTION**

A Complaint has been filed herein on September 3rd, 2020, by Petitioners PARADISE FAMILY, LLC, as Owner, and ANOTHER DAY IN PARADISE BOAT CLUB, LLC d/b/a FREEDOM BOAT CLUB OF TAMPA BAY, and LETE CONNELLY, as Owners *pro hac vice* of the M/V Jumping Viper, a 20' Sea Fox 200 vessel bearing Hull Identification Number LYGEX130J920 and Florida Registration FL5320SN, and its Engines, Tackle, Appurtenances, Equipment, & Etc. Petitioners are claiming the benefits of exoneration from and limitation of liability as provided for in the Act of Congress embodied in 46 U.S.C. §§ 30501, et seq. and pursuant to Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, together with the statutes supplemental thereto and amendatory

thereof. Petitioners are also contesting their liability independently of the limitation of liability claims under said Acts, Treaty or Code for any loss, damages, deaths, personal injuries, damage or destruction of property or other occurrences arising from the incident which occurred on or about March 22, 2020 on the navigable waterways near Channel Marker 58A in the Homosassa River in Citrus County, Florida as further described in the Petition for Limitation, and said Complaint also stating the alleged facts and circumstances on which such exoneration from or limitation of liability is claimed. Petitioners having deposited with the Court as security for the benefit of Claims, an *Ad Interim* Stipulation of Value not less than or equal to the amount or value of their interest in the Vessel, as required by the rules of this Court and by the law.

Accordingly, it is hereby

ORDERED that Petitioner's *Ad Interim* Stipulation filed herein (Doc. 2) is approved as security for the value of Petitioner's interest in the Vessel and its pending freight, if any, for no more than the amount of \$20,000 including interest at the rate of six percent (6%) per annum, with Petitioner being subject to such increases or decreases in the amount of such *Ad Interim* Stipulation, together with adequate surety, as the Court may from time to time order according to the rules and practices of this Court; and it is further

ORDERED that any party, including Petitioner, may apply to have the amount of said *Ad Interim* Stipulation increased or decreased, as the case may be, on the filing of the report of the Commissioner appointed, if any, to appraise the amount of value of Petitioner's interest in the vessel and its pending freight, if any, or upon the ultimate determination by the Court on exceptions to the Commissioner's report, if any, and it is further

ORDERED that if the amount of said *Ad Interim* Stipulation is not contested by any Claimant herein, said *Ad Interim* Stipulation shall stand as a stipulation for the value and an appraisal will not be required;

ORDERED AND ADJUDGED that a Monition and Injunction issue out of and under seal of this Court against all persons or corporations asserting claims for any and all losses, damages, injuries, death, or destruction allegedly as a result of the occurrences and happenings recited in the Complaint, to file their respective claims with the Clerk, United States District Court for the Middle District of Florida, on or before **October 30, 2020**, and serve on Petitioners' attorneys, Hamilton, Miller & Birthisel, LLP, 150 SE 2nd Ave. Ste 1200 Miami, Florida 33131, a copy thereof, or be defaulted. If any claimant desires to contest Petitioners' right to exoneration from or limitation of liability, Claimant shall file and serve on Petitioners' attorneys an answer to the Complaint, on or before said date, unless the claim included an answer to the Complaint so designated, or be defaulted;


ORDERED AND ADJUDGED that a public notice of said Monition be given by publication as required by Supplemental Rule F, once a week for four successive weeks in the *Tampa Bay Times* prior to the date fixed for filing of claims in accordance with Supplemental Rule F and that not later than the second weekly publication, a copy of said notice be mailed by Petitioners to every person or corporation known to have a claim against Petitioners arising out of the incident set forth in the Complaint;

ORDERED AND ADJUDGED that the commencement or further prosecution of any action or proceeding against Petitioner, the Vessel or any other property of Petitioners with respect to any claims for which Petitioners seek exoneration from or limitation of liability herein, including any claim arising out of or connected with any loss, damage, injury, or destruction, more fully

described in the Complaint, is hereby **STAYED, ENJOINED AND RESTRAINED**, until the final determination of this action; and

IT IS FINALLY ORDERED that service of this Order as a restraining order may be made by mailing a conformed copy of it to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

DONE and ORDERED in Ocala, Florida on September 11, 2020.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties